

VZCZCXR08661
RR RUEHDBU
DE RUEHMO #3356/01 0901155
ZNY CCCCC ZZH
R 311155Z MAR 06
FM AMEMBASSY MOSCOW
TO RUEHC/SECSTATE WASHDC 3343
INFO RUCNCIS/CIS COLLECTIVE
RUEHXD/MOSCOW POLITICAL COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 02 MOSCOW 003356

SIPDIS

SIPDIS

E.O. 12958: DECL: 03/21/2016

TAGS: PGOV PHUM PINR PREL RS

SUBJECT: CIVIL SOCIETY HITCHES A RIDE WITH IRATE DRIVERS

REF: 05 VLADIVOSTOK 00074

Classified By: Political Minister-Counselor Kirk Augustine. Reason 1.4
(b, d)

¶1. (C) SUMMARY. When a court in February sentenced an ordinary citizen to four years in prison for his involvement in a 2005 car accident that killed then-Altay Kray Governor Mikhail Yevdokimov, it sparked popular outrage. The perceived injustice of the court's decision inspired a grassroots organization to lead protests across Russia against the conviction and against the behavior of black-limousined, blue-lighted, smoked-glass VIPs aggressively omnipresent on every road. Many observers view the protests as a win for Russia's civil society, since it indicated that middle-class citizens can, if properly motivated, take to the streets to press for change, and can get results. After the protesters' efforts resonated with the public and United Russia seized on the issue, a court overturned the conviction on March 23. Though the episode illustrates that Russia's courts often act based on the basis of political rather than legal criteria, it was also noteworthy that civil society, despite Kremlin moves to coopt and control it, was able to impose its views. END SUMMARY.

¶2. (U) In August 2005 Oleg Shcherbinskiy, a railroad worker in Altay Kray, was involved in a car accident that killed that region's Governor, Mikhail Yevdokimov. The crash occurred when the governor's Mercedes came up, blue light flashing and reportedly at a grossly excessive rate of speed, behind Shcherbinskiy's Toyota and tried to pass on the left, just as Shcherbinskiy was making a legal left turn. Yevdokimov's car hit the side of the Toyota and crashed into a ditch. The governor, his bodyguard, and driver died as a result of the crash. Shcherbinskiy and the four passengers in his car survived. On February 3 an Altay court sentenced Shcherbinskiy to four years in a labor colony for failing to yield to Yevdokimov's car. Following a wave of protests, on March 23 the court overturned the ruling, acquitting Shcherbinskiy.

.
ANGER OVER SPECIAL PRIVILEGES

¶3. (C) The initial ruling provoked outrage focused on the abuse of special privileges that many government officials and other well-connected Russians enjoy on the road. The most visible of those privileges is the flashing blue light used to excuse vehicles bearing it from the need to observe normal traffic laws. The frequency and visibility of such abuses contribute to a high-level of resentment against the nomenklatura among average citizens, as Leontiy Byzov, head of the Social and Political Analysis Department of the All-Russia Public Opinion Research Center, confirmed to us.

¶4. (SBU) While such resentment usually festers, the Shcherbinskiy case evoked protests organized in nearly 20 Russian cities on February 11-12 under the sponsorship of the

Free Choice Motorists' Movement (FCMM). In Moscow alone at least 500 cars took part, and FCMM head Vyacheslav Lysakov said the numbers were far higher. The authorities avoided a heavy-handed response, although they attempted to keep tight control over the protests, bringing in a sizable law enforcement presence and pulling over a number of participants.

5. (C) The February protests, which received extensive coverage in print and broadcast media, were a collaborative effort. Among the participating organizations was one representing rail workers, who came out in support of their colleague Shcherbinskiy. According to an analysis from the Center for Political Technology, the motorists reached agreement about the Moscow protest as a result of discussions on the Internet.

•
A HEALTHY SIGN FOR CIVIL SOCIETY DEVELOPMENT

¶ 6. (C) In the view of experts on civil society such as Nina Belyayeva of the Higher School of Economics, the protests represented a new step in civil society in Russia, since they involved largely members of the middle class (based on Belyayeva's presumption that car ownership remains out of reach for many poorer Russians). Belyayeva also noted that the organizers were sophisticated enough to set up an account for people to donate money for Shcherbinskiy's legal defense. Other observers noted that the demonstrators were heavily members of the younger generation, while last winter's monetization protests, by contrast, primarily involved pensioners.

¶ 7. (C) Although the make-up of the participants differed

MOSCOW 00003356 002 OF 002

from that of the monetization protests, those earlier actions showed many citizens that getting into the streets could pressure the authorities to change policy. Subsequent to the monetization protests, motorists in May 2005 organized protests against a GOR proposal to limit the importation of right-hand drive cars (reftel).

¶ 8. (C) A number of observers saw the protests as a sign of civil society's growing independence and assertiveness. Aleksey Makarkin of the Center for Political Technology described the movement as "the young shoots of civil society." Moscow Carnegie Center analyst Nikolay Petrov said it represented genuine grassroots democracy in Russia of a type that functioned despite a lack of financial support, including from the West. If Western-funded NGOs were eliminated, Petrov added, the kinds of organizations featured in the motorist protest would be all that would be left. Lyudmila Alekseyeva noted that independent human rights NGOs needed to reach out to grassroots movements of this kind.

•
UNITED RUSSIA JUMPS ON THE BANDWAGON

¶ 9. (C) The pro-Kremlin United Russia (YR) initially refused to support a Communist Party of the Russian Federation (KPRF) initiative in the Duma on Shcherbinskiy's behalf. After the movement's popularity spread, however, YR adopted the issue. The YR website announced that prominent lawyer and Public Chamber member Anatoliy Kucherena had become part of Shcherbinskiy's defense team. YR also announced it had gathered almost 27,000 signatures in support of Shcherbinskiy. On March 22, the day before Shcherbinskiy's appeal, YR organized protests in Novosibirsk, Tomsk, Krasnodar, Nizhniy Novgorod, and St. Petersburg, although observers noted that YR was unable to match the mass turnout of the February demonstrations.

¶ 10. (C) While some saw Altay Kray court's March 23 decision to overturn the ruling as an encouraging sign, others argued that the fact that it took place only after YR jumped on the

bandwagon was a discouraging reminder that the judiciary often makes decisions based on political considerations and instructions from the authorities. Looking beyond the acquittal, YR has suggested that it is also considering passing legislation that would limit the use of flashing lights.

.

COMMENT

¶11. (C) Despite the disheartening initial ruling to convict Shcherbinskiy and the fact that he was acquitted on appeal only after YR jumped on the bandwagon, ordinary citizens did make their voices heard through a grassroots movement. Despite Kremlin efforts to coopt civil society or frighten it into submission, the episode demonstrates that under some circumstances, ordinary Russians will shed their passivity and try to pressure the government. Civil society is on the defensive, but it is not dead.

RUSSELL